UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,479	03/01/2004	Gordon Rouleau	DLGMO-014XX	7564

78637   7590   03/11/2009
WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

EXAMINER
ZHOU, YONG

ART UNIT	PAPER NUMBER
2419	

MAIL DATE	DELIVERY MODE
03/11/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _16 January 2009_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-13_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

December 16, 2008 has been entered.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Monot, Philippe (US Patent No. 5,708,778), referred to herein as Monot, in view of Chu,

Steve et al. (US 2004/0186689), referred to herein as Chu.

Regarding claim 1, Monot teaches a method of configuring a local LAPB device

(automatic configuration... LAPB, col. 9, lines 38-39), comprising:

receiving a frame directed to said local LAPB device from a remote LAPB device

(col. 2, lines 18-20, wherein the answer is received from the network equipment device

in response to any prior probe frames from local data terminal device), said local LAPB

device capable of being configured as a data computing equipment device or a data

terminal equipment device;

determining based upon information contained within said received frame

whether said remote LAPB device is a data computing equipment device or a data

terminal equipment device (col. 1, lines 52-53, col. 2, lines 15-19, wherein the

determination of the local DTE configuration is based on the answers received from the

network equipment device; furthermore, the system automatically configures a DTE or

similar network device. The Examiner interprets the "network device" , or "network

equipment device", as a DCE which is in communication with a "terminal equipment"

(DTE));

automatically configuring the data terminal parameters from the answer frame

received from the data communication equipment (DCE) (col. 1, lines 61-64, and col. 2,

lines 52-56)

Monot indicates that the invention is also for automatically configuring similar

network devices in addition to data terminals (col. 1, lines 52-53), wherein the "similar

network devices" can be interpreted as a DCE as the term "network equipment device"

refers to DCE in the reference (col. 2, line 18).

However, Monot does not specifically teach that a local device can be configured

as a data terminal equipment device (DTE) or data computing equipment device (DCE)

depending on whether the received frame information from the remote device indicates

a DCE or DTE.

Chu teaches that a device can auto-detect whether the device connected at the

other end of the connection is DCE or DTE and automatically launch the correct

software required to support either a DTE or DCE connection to interface with the other

end properly (Fig. 3, col. 3, lines 6-10 and 66-67 through col. 4, line 4).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to combine teachings from Chu into the Monot

invention to configure a local device's mode of operation, DTE or DCE, depending on

the type of the remote device, DTE or DCE, to allow proper communication with the

remote device.

Regarding claim 5, Monot teaches an apparatus for configuring a local LAPB

device (automatic configuration... LAPB, col. 9, lines 38-39), comprising:

a communication port (Fig. 2, #201) for receiving a frame originating from a

remote LAPB device (col. 2, lines 18-20, wherein the answer is received from the

network equipment device (referring to DCE) in response to any prior probe frames

from DTE) and directed to said local LAPB device, said local LAPB device capable of

being configured as a data computing equipment device or a data terminal equipment

device (col. 1, lines 52-53, col. 2, lines 15-19, wherein the determination of the local

DTE configuration is based on the answers received from the network equipment

device; furthermore, the system automatically configures a DTE or similar network

device.   The Examiner interprets the "network device" , or "network equipment device",

as a DCE which is in communication with a "terminal equipment" (DTE));

a memory (Fig. 2, #203, #208) for storing data identifying at least one of a data

computing equipment device and a data terminal equipment device (col. 3, lines 58-60,

wherein memory includes the layer 2 configuration parameters data store #208); and

a processing unit (Fig. 2, #200) coupled to said communication port and said

memory for determining whether said received frame is indicative of said remote LAPB

device being one of a data computing equipment device and a data terminal equipment

device using said data stored in said memory and providing a configuration frame to

said local LAPB device as a function thereof (col. 1, lines 61-64, col. 3, lines 53-55,

wherein the processor executes the automatic configuration program to configure the

local LAPB device based on received information from (DCE) and known DCE

behavior).

Monot indicates that the invention is also for automatically configuring similar

network devices in addition to data terminals (col. 1, lines 52-53), wherein the "similar

network devices" can be interpreted as a DCE as the term "network equipment device"

refers to DCE in the reference (col. 2, line 18).

However, Monot does not specifically teach that a local device can be configured

as a data terminal equipment device (DTE) or data computing equipment device (DCE)

depending on whether the received frame information from the remote device indicates

a DCE or DTE.

Chu teaches that a device can auto-detect whether the device connected at the

other end of the connection is DCE or DTE and automatically launch the correct

software required to support either a DTE or DCE connection to interface with the other end properly (Fig. 3, col. 3, lines 6-10 and 66-67 through col. 4, line 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teachings from Chu into the Monot invention to a local device's mode of operation, DTE or DCE, depending on the type of the remote device, DTE or DCE, to allow proper communication with the remote device.

Regarding claim 9, Monot teaches a method of configuring a first LAPB device coupled with a second LAPB device in a network, the method comprising:

receiving a first frame from the second LAPB device (col. 2, lines 18-20, wherein the answer is received from the network equipment device (referring to DCE) in response to any prior probe frames from DTE) directed to the first LAPB device, said first LAPB device capable of being configured as a first type of LAPB device or a second type of LAPB device (col. 1, lines 52-53, col. 2, lines 15-19, wherein the determination of the local DTE configuration is based on the answers received from the network equipment device; furthermore, the system automatically configures a DTE or similar network device. The Examiner interprets the "network device" , or "network equipment device", as a DCE which is in communication with a "terminal equipment" (DTE));

evaluating the information contained within the received first frame to determine its configuration parameters (col. 1, lines 61-64, col. 3, lines 53-55, col. 7, lines 3-6, wherein the local device checks the answer received form the DCE and configures itself based on received information from (DCE) and known DCE behavior).

However, Monot does not specifically teach that a local device can be configured as a data terminal equipment device (DTE) or data computing equipment device (DCE) depending on whether the received frame information from the remote device indicates a DCE or DTE.

Chu teaches that a device can auto-detect whether the device connected at the other end of the connection is DCE or DTE and automatically launch the correct software required to support either a DTE or DCE connection to interface with the other end properly (Fig. 3, col. 3, lines 6-10 and 66-67 through col. 4, line 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teachings from Chu into the Monot invention to configure a local device's mode of operation, DTE or DCE, depending on the type of the remote device, DTE or DCE, to allow proper communication with the remote device.

Regarding claim 2, Monot further teaches monitoring to detect an initiator frame for an asynchronous balanced mode of operation from said remote LAPB device and if no initiator frame for an asynchronous balanced mode of operation is detected for a given first time period, providing an initiator frame for an asynchronous balanced mode to said remote LAPB device (SABM/SABME command, col. 10, line 1; wherein the LAPB asynchronous balanced mode is initiated by the SABM/SABME command frame).

Regarding claim 3, Monot further teaches that said monitoring to detect said initiator frame for an asynchronous balanced mode of operation from said remote LAPB device is performed during a given period of time (col. 7, lines 5-6).

Regarding claim 4, Monot further teaches providing said given period of time (col. 7, lines 5-6).

Regarding claim 6, Monot further teaches that said communication port provides an initiator frame for an asynchronous balanced mode of operation to said remote LAPB device in the case where no initiator frame is received from said remote LAPB device for a given period of time (col. 4, lines 20-22, and col. 10, lines 1-3, wherein the probe sent from the DTE is before data is received form the remote end; the SABM/SABE command sent to the DCE is to initiate the asynchronous balanced mode and trigger the response from the DCE).

Regarding claim 7, Monot further teaches that said apparatus includes said local LAPB device (Fig. 2, #201).

Regarding claim 8, Monot further teaches that said apparatus includes said local LAPB device (Fig. 2, #201).

Regarding claim 10, Monot further teaches:

determining whether the first frame is received from the second LAPB device prior to expiration of a first predetermined time period (timeout, col. 7, lines 3-6, col. 8, lines 8-9, col. 10, lines 42-44); and

if the first frame is not received prior to expiration of the first predetermined time period, sending a second frame to the second LAPB device (col. 6, lines 40-42, col. 10, lines 46-49m wherein the next probe frame is sent to the second in case of timeout).

Regarding claim 11, Monot further teaches:

determining whether the third frame is received from the second device in response to the second frame prior to expiration of a second predetermined time period (col. 7, lines 3-6, col. 8, lines 8-9, wherein timer is set for waiting an answer to each probe); and

if the third frame is not received prior to expiration of the second predetermined time period, setting a failure status condition (col. 8, lines 8-14, wherein no frame may be received from the second device due to the failure in the physical connection).

Regarding claim 12, Monot and Chu teach the limitations of claim 10.

Chu further teaches that detected frame received from the other end of connection is an indicator frame for type of operation mode for the other connected device and is used to determine the type of operation mode to be the first mode of operation for the local device (Fig. 3, col. 3, lines 6-10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further combine teachings from Chu into the Monot and Chu invention to use the received frame from the other connected device to be an indicator for type of the operation mode for the other device to support automatic configuration.

Regarding claim 13, Monot and Chu teach the limitations of claim 9.

Chu further teaches that the first type of device is a data terminal equipment device and the second type of device is a data computing equipment device (Fig. 3, col. 3, lines 6-10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further combine teachings from Chu into the Monot and Chu invention to include the data terminal equipment device type and data computing equipment device type in the automatic configuration.

Response to Arguments

4.   Applicant's arguments, filed December 16, 2008, have been fully considered but they are not persuasive.

Applicant argues that Monot does not disclose or suggest establishing the configuration of a local LAPB device as a DTE device if the remote device is a DCE device and establishing the configuration of a local LAPB device as a DCE device if the remote device is a DTE device. In response, the Examiner respectively disagrees with Applicant's arguments. Monot teaches wherein the determination of the local DTE configuration is based on the answers received from the network equipment device (col. 2, lines 15-19). Furthermore, the system taught in Monot automatically configures a DTE or similar network device (col. 1, lines 52-53).   The Examiner interprets the "network device" , or "network equipment device", as a DCE which is in communication with a "terminal equipment" (DTE). Although Monot indicates the network device (interpreted as DCE) can be automatically configured in the same fashion, it does not expressly disclose configure the local LAPB device as DCE based on the information received from a remote LAPB device. The secondary reference Chu discloses exact what is needed (Fig. 3, col. 3, lines 6-10). Thus, the combination of Mono and Chu meets the claim requirements.

Therefore, in view of the above reasons, the Examiner maintains the rejections.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yong Zhou whose telephone number is 571-270-3451.

The examiner can normally be reached on Monday - Friday 8:00am - 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chirag G. Shah can be reached on 571-272-3144. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. Z./
Examiner, Art Unit 2419

March 4, 2009
/Chirag G Shah/

Supervisory Patent Examiner, Art Unit 2419